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C O N F I D E N T I A L CARACAS 000839

SIPDIS

NSC FOR CBARTON  
HQ USSOUTHCOM ALSO FOR POLAD

E.O. 12958: DECL: 03/16/2015

TAGS: PHUM PGOV KDEM VE

SUBJECT: TOUGH TALK, BRAVE FACES, AND SELF-CENSORSHIP IN  
VENEZUELAN MEDIA

Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASON 1.4 (D)

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SUMMARY  
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1. (U) Three months after President Hugo Chavez signed the "Law of Social Responsibility in Radio and Television" (the content law), the GoV phased-in the second tier of requirements on March 7. Regulations have yet to be published, and the telecommunications regulatory agency (CONATEL) is finalizing the "technical norms" for the four articles that are newly in effect. Most of the new legal structures to monitor and regulate Venezuelan media are now nonetheless in place. Media continue to complain about the ambiguity of the law and lack of written regulations, while agreeing that the GoV will use small infractions, not related to news, to damage their companies financially. Aside from the content law, some private media have been hit by record-setting anti-trust fines and personal tax investigations of their board members. Former Miranda State Gov. Enrique Mendoza told the Ambassador March 11 that media owners' opposition to Chavez has not changed, but they were not willing to risk being shut down completely. End Summary.

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RULES NOT WRITTEN, BUT YOU BETTER NOT BREAK THEM  
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2. (U) As of March 7, four more articles of Venezuela's 2004 Social Responsibility in Radio and Television Law came into effect. These articles provide for: the enforcement of schedule blocks for content (all-user, supervised, and adult); government access to the broadcast spectrum; "democratization" of the broadcast media (regulating the nationality of programming and music); and advanced publication of the broadcast schedule. Broadcasters who transmit inappropriate content (for language, sexual content, or violence) during all but the adult hours are subject to stiff fines and, eventually, suspension of license. Government television channels must also now be included in all subscription television services. Additionally, the law requires radio stations to play an as yet unspecified portion of Venezuelan music between 7:00 am and 9:00 pm. The majority of the law's remaining provisions are to be phased-in at the six month (June) and nine month (September) markers.

3. (C) Executives at three of the most important private television stations (Venevision, RCTV, and Globovision) called the law and the lack of regulations "ambiguous, insecure, and arbitrary" to describe the language of the law and its lack of regulations. They discount ineptitude or lack of readiness on the part of state telecommunications regulator CONATEL, instead seeing "design" in the vagueness of the law. Several believe that CONATEL will either never publish the regulations or publish them only after many months of delay. In their opinion, the government's strategy is to leave the requirements as vague as possible, thus making it easier to "catch" and punish the stations for violations of the law.

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REGULATING BODIES UP AND RUNNING  
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4. (C) The GoV completed appointing the board which monitors complaints lodged against the broadcast media February 17. Representatives from the Ministries of Communication & Information, Education & Sports, and Culture, the National Commission on the Rights of Children & Adolescents, the National Institute of Women, and the Institute for the Protection & Education of Consumers) form the majority of the Directorate of Social Responsibility. Two representatives of the "user committees" (status approved by CONATEL) plus one representative for the universities, and one for the religious organizations represent civil society on the board. The primary representative for the religious groups is from the Union of Christian Churches (pro-Chavez and partially funded by the GoV) while the substitute member represents the Evangelical Church Light of the World.

15. (U) The selection of the ecclesiastical members was

preceded by several meetings of various Venezuelan churches, under the auspices of CONATEL, according to press reports. Absent from the final selections were representatives of Judaism and the Roman Catholic church. The Jewish representative sent a letter to the election meeting, proclaiming that the Jewish community was confident the gathered members would represent Jewish values. No representative of the Muslim faith attended the meetings.

16. (C) Cesar Emilio Torres, the media director for the Venezuelan Episcopal Council, told PolOff his church's lack of participation in the Directorate should not be over-interpreted. He explained that their representative (who, along with him, had attended previous meetings) missed the selection because he was caught in a traffic jam. He also said that while not directly involved in the board's actions, the Catholic church expects to have influence over the decisions taken by the ecclesiastical representatives. Torres said "The Catholic Church will not commit a sin of omission. We will have a presence in governing boards, we will try to influence the writing of the regulations, and we particularly hope to convince CONATEL to change the static religious representatives to a rotation."

17. (C) As of February 24, CONATEL reported the registration of 360 User Committees. According to CONATEL director Alvin Lezama, the committees' jobs are to "promote and defend the communication rights of Venezuelans" before the appropriate administrative bodies, and to participate in the process of formulation, execution, and evaluation of public policy relating to the broadcast media. One of their primary roles is to file complaints with CONATEL regarding perceived violations of the media law.

18. (U) CONATEL began accepting applications from radio and TV producers for "National Independent" (NIP) status as required by the media law in early February. The board which governs the registration and management of the NIPs is the only body created under the content law that includes a representative of the broadcast media. Television executives noted that (as with many other aspects of the law), the regulations governing the composition of the NIP board are as yet unwritten, and they are therefore unsure how their representative will be chosen. They say the representative would ideally be selected by a vote within the Venezuelan Federation of the Television Industry (or a similar industry association). They believe, however, it is possible that the representative would be designated from state-owned VTV or Radio Nacional. One of their chief concerns with the NIP provision is that they will be assigned programming by particular NIPs, rather than being able to choose from CONATEL's NIP register.

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"WE ARE NOT SELF-CENSORING, BUT..."  
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19. (C) TV executives say they are not and will not censor their broadcasts to comply with the government. Nonetheless, several high profile and controversial TV commentators have left the airwaves in the months following the law's passage. On March 8, CMT television canceled prominent opposition personality Asdrubal Aguiar's four-year-old program, without stating a reason. The week before, on March 4, Televen canceled a political talk show hosted by provocative opposition journalist Marta Colomina. Other politically themed programs canceled recently include Napoleon Bravo's on Cisneros-owned Venevision (replaced by a tarot card reader), and Idania Chirinos' on CMT.

110. (C) Former Miranda State Gov. Enrique Mendoza told the Ambassador March 11 that Aguiar's situation was a blow to Chavez opponents. Aguiar's family has left Venezuela for Argentina, and the one-time opposition spokesman will now divide his time between the two countries. Mendoza asserted that the media owners' opposition to President Hugo Chavez had not changed, but they were not going to risk getting shut down. Mendoza noted that the anti-trust fines levied against Venevision and RCTV were a hard, warning blow (see paragraph 13). Separately, Venevision Vice President (and mother of opposition mayor Leopoldo Lopez) Antonietta Lopez (protect) told PolOff, "We are a business and have to survive. It is better to stay out of trouble for now, to not allow ourselves

to be taken-over by the government or a private front operation, and to remain alive and here for the day we are needed. And we will be here."

111. (C) Outside Caracas in early February, a special CONATEL commission accused Television Andina de Merida (TAM) of violating the law by broadcasting images of bodies being

carried in flood waters caused by the carnival rains. TAM broadcast the images "hot" -- that is not "live," but unedited -- the moment the tape was brought in from the field. According to TAM, CONATEL representatives agreed that the scenes were appropriate, seemingly absolving the station of violations, but refused to leave any proof of the finding in writing. TAM believes this leaves the station vulnerable to future accusations over the same event, and might be used to threaten station management in the future.

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DEATH BY ONE THOUSAND CUTS  
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¶12. (C) The heads of private broadcast media told Emboffs they believe the GoV will not punish their companies for violations related to news or criticism of the government because it would be seen by the international community as a violation of press freedoms. Instead, they said, the GoV would fine them for entertainment, advertising, or technical violations, whenever possible. For this reason, Venevision executives say that those enterprises which feature a mixed-format (entertainment and news) are more vulnerable than all-news radio and TV stations. One radio commentator told PolCouns he expected the GoV to hit on things such as the failure to translate English titles of songs into Spanish.

¶13. (C) In March, Procompetencia (the GoV's anti-trust agency, under the jurisdiction of the Ministry of Production), hit Venezuela's two largest private TV stations, Venevision and RCTV, with record-setting fines. The fines stem from a complaint lodged by Televen in 2003, alleging that the larger stations colluded to fix advertising rates. Both stations claim the \$11 million fine is disproportionate to the size of their companies and to the alleged misconduct.

¶14. (C) Aside from the media law, the GoV has begun special tax investigations of members of the boards of Globovision, Venevision, and RCTV. The Directors have been asked to prove the legitimacy of all assets, including homes and vehicles. RCTV, the station most at odds with the government and least willing to bend, recently experienced a week-long fire inspection of their headquarters. The exhaustive search for fire code violations covered every inch of the building, according to executives. Company president Marcel Granier reports being told by an embarrassed fire inspector that their orders were to "find violations."

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COMMENT  
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¶15. (C) Like other segments of the opposition, the owners and managers of the private media regard one another and one another's motives with suspicion. They do, however, concur in several important beliefs, among them: that the law is deliberately vague, that it will remain so for the foreseeable future, and that the GoV will use the law to ruin or take-over any station which fails to come to heel.  
Brownfield